

October 16, 2015



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14786
(SECOND REVISION)

EXPIRATION DATE: September 30, 2019

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Fruit of the Earth, Inc.
Fort Worth, TX
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of DOT Specification 2P and 2Q aluminum non-refillable inside containers which are leak tested by an automated in-line pressure check in lieu of the hot water bath specified in the Hazardous Materials Regulations (HMR). This special permit provides no relief from the HMR other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use or other uses not associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.306(a)(3)(v) in that the use of leakage test other than a hot water bath is not authorized, except as specified herein.

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5. BASIS: This special permit is based on the application of Fruit of the Earth, Inc. dated October 7, 2015, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Aerosols, <i>flammable, (each not exceeding 1 L capacity)</i>	2.1	UN1950	N/A
Aerosols, <i>non-flammable, (each not exceeding 1 L capacity)</i>	2.2	UN1950	N/A
Consumer commodity	ORM-D	None	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT Specification 2P and 2Q aluminum non-refillable inside containers which contain an inner laminate bag containing a Class 3 material (ethanol solution). The fill/discharge valve is attached the laminated bags (PET/ALU/OPA/PP) which have nominal fill capacities of 100, 155, 180, 240 and 308 cubic centimeters for the 3 oz., 5 oz., 6 oz., 8 oz., and 10 oz. products, respectively. The bag-on-valve inner package (i.e., laminate bag) is inserted into the aluminum inside container and affixed by a crimping process. The product to be expelled is inside the laminate bag, which is surrounded by nonflammable compressed gas, such as nitrogen or air, at the pressures specified in paragraph 7.b.(2) below. The receptacle and laminate bag must conform to the drawings and specifications on file with the Office of Hazardous Material Special Permits and Approvals (OHMSPA).

b. OPERATIONAL CONTROLS -

- (1) In lieu of a hot water bath test each completed container must be subjected to an automated in-line pressure check.

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(2) If the pressure measured on any container during the in-line pressure check is outside the range set forth below then container must be rejected:

<u>Nominal Fill volume</u>	<u>Pressure Range</u>
3 oz.	50 - 75 psi
5 oz.	75 - 90 psi
6 oz.	90 - 115 psi
8 oz.	90 - 120 psi
10 oz.	110 - 135 psi

(3) The contents of the inner laminate bag must not exceed 90% of its nominal fill capacity.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. Each container must be marked "DOT-SP 14786" as specified in § 172.301(c) and shipped in a strong outside packaging.

d. Containers filled with a material meeting the definition of a "Consumer commodity" in § 171.8 may be reclassified as ORM-D and shipped as "Consumer commodity" in accordance with § 173.306(i).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel, aircraft, or motor vehicle used to transport packages covered by this special permit. The shipper must furnish a copy of this special permit to the air carrier before or at the time the shipment is tendered.

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11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49

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CFR '' 171.15 Immediate notice of certain hazardous materials incidents, and 171.16 Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: LMajors:dl